

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 798 - SB 1417

March 12, 2021

SUMMARY OF BILL: Limits, to four years, the amount of time after completion of an improvement to a street, sidewalk, or highway that a claim may be brought against a local government to recover damages associated with injuries or wrongful death which occur as a result of a deficiency in the design, planning, supervision, observation or construction of the improvement.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – A precise impact to local government expenditures cannot reasonably be determined as the extent and timing of individual claims and damages are dependent upon multiple unknown factors.

Assumptions:

- Pursuant to Tenn. Code Ann. § 29-20-203 and § 29-20-305:
 - A local government's immunity from suit is removed for any injury caused by defective, unsafe, or dangerous conditions of streets, alleys, sidewalks, or highways owned and controlled by the local government; and
 - Any claim alleging injury must be commenced within one year of the incident causing the damages.
- The proposed language would establish claims alleging injury or wrongful death due to improvements to streets, alleys, sidewalks, and highways could only be initiated within four years after the improvement's completion, regardless of when the injury occurs within the four-year period.
- The proposed language may result in:
 - An increase in the number of claims within the four-year window which otherwise would have been prevented due to the one-year statute of limitations; and
 - An overall decrease in the number of claims against local governments, as claims may only be brought within four years from the completion of the improvements.
- A precise impact to local government expenditures cannot reasonably be determined as the extent and timing of any damages awarded to claimants by local governments is dependent upon multiple unknown factors.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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